IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2006 OF 2005.

Union of India, through the
Secretary, Ministry of Defence,
New Delhi. ... Appellant.

Versus.

Smt.Asha Ashok Pacharne & others. ... Respondents.

Shri Bhate i/by Shri S.S.Sarkar for the Appellant.
Shri M.A.Utgikar for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : 17th April, 2006.

P.C.:

1. Shri Bhate appearing for the Appellant states that in view of the decision of the Full Bench of this Court in the case of Divisional Controller, MSRTC, Jalgaon v/s. Bapu Chaudhary, reported in 2004 ACJ page 35, the First Appeal against the impugned Judgment and Order is not maintainable. He seeks permission to withdraw this Appeal with liberty to file appropriate proceedings for challenging the impugned Judgment and Order. Accordingly the appeal is dismissed as withdrawn with liberty as prayed.

2. The Respondent will not withdraw the sum of Rs.50,000/- deposited by the Appellant in this Court for a period of four weeks from today.

3. The Appellant will be entitled to refund of Court fees as per the rules.

Judge.